

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BIN LIU,)	
)	CIV. S-05-558 GEB GGH
Plaintiff,)	
)	<u>ORDER CONTINUING STATUS</u>
v.)	<u>(PRETRIAL SCHEDULING)</u>
)	<u>CONFERENCE</u>
ORIENTAL BUFFET and DOES 1-10,)	
)	
Defendants.)	
_____)	

Plaintiff's Ex Parte Application, filed June 6, 2005, reveals this case is not ready to be scheduled. Therefore, the Status (Pretrial Scheduling) Conference set for June 20, 2005, is continued to August 22, 2005, at 9:00 a.m. A further Joint Status Report shall be filed no later than fourteen (14) days prior to the scheduling conference.¹

¹ The failure of one or more of the parties to participate in the preparation of the Joint Status Report does not excuse the other parties from their obligation to timely file a status report in accordance with this Order. In the event a party fails to participate as ordered, the party timely filing the status report shall include a declaration explaining why it was unable to obtain the cooperation of the other party or parties.

1 Plaintiff is hereby notified that this action may be
2 dismissed without prejudice under Federal Rule of Civil Procedure 4(m)
3 as to any defendant not served within 120 days after the filing of the
4 complaint. To avoid dismissal, a proof of service shall be filed for
5 each defendant no later than July 22, 2005. See Local Rule 4-210(b)
6 (requiring proof of service of process to be filed). If Plaintiff
7 believes good cause justifies extension of Rule 4(m)'s 120-day service
8 period for any defendant, Plaintiff's counsel shall file a declaration
9 no later than July 22, 2005, showing good cause why the action should
10 not be dismissed without prejudice as to that defendant.

11 IT IS SO ORDERED.

12 Dated: June 9, 2005

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14 /s/ Garland E. Burrell, Jr.
15 GARLAND E. BURRELL, JR.
16 United States District Judge
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